

COMMISSIONERS
SUSAN BITTER SMITH - Chairman
BOB STUMP
BOB BURNS
DOUG LITTLE
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OPEN MEETING ITEM



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ARIZONA CORPORATION COMMISSION RECEIVED

2015 JUL 27 P 12:01

DATE: JULY 27, 2015
DOCKET NO.: T-03613A-11-0465

AZ CORP COMMISSION
DOCKET CONTROL

TO ALL PARTIES:

ORIGINAL

Enclosed please find the recommendation of Administrative Law Judge Yvette Kinsey.
The recommendation has been filed in the form of an Order on:

MAIN STREET TELEPHONE COMPANY
(CANCEL CC&N)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

AUGUST 5, 2015

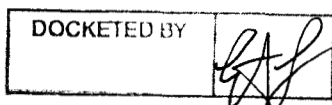
The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

AUGUST 18, 2015 AND AUGUST 19, 2015

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission
DOCKETED

JUL 27 2015



JODI JERICH
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347

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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov.

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 SUSAN BITTER SMITH - Chairman
4 BOB STUMP
5 BOB BURNS
6 DOUG LITTLE
7 TOM FORESE

8 IN THE MATTER OF THE APPLICATION OF
9 MAIN STREET TELEPHONE COMPANY FOR
10 APPROVAL TO CANCEL ITS CERTIFICATE OF
11 CONVENIENCE AND NECESSITY.

DOCKET NO. T-03613A-11-0465

DECISION NO. _____

12 **ORDER**

13 Open Meeting
14 August 18 and 19, 2015
15 Phoenix, Arizona

16 **BY THE COMMISSION:**

17 Having considered the entire record herein and being fully advised in the premises, the
18 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

19 * * * * *

20 **FINDINGS OF FACT**

21 1. In Decision No. 63907 (August 6, 2001), the Commission granted Main Street
22 Telephone Company ("Main Street" or the "Company") a Certificate of Convenience and Necessity
23 ("CC&N") to provide competitive resold interexchange telecommunication services in Arizona.

24 2. On December 23, 2011, Main Street filed an application with the Commission
25 requesting approval to cancel its CC&N to provide competitive resold interexchange
26 telecommunication services in Arizona. Main Street's application stated that the Company has no
27 customers in Arizona and that the Company no longer intends to retain its authority to provide
28 competitive resold interexchange telecommunication services in Arizona.

3. On January 20, 2012, Main Street filed its responses to the Commission's Utilities
Division ("Staff") First Set of Data Requests. The Company's responses state that its operations
abruptly ceased on June 17, 2011; the termination of service by Main Street's billing company left
Main Street without the financial ability to incur the expense of publication as required in A.A.C.

1 R14-2-1107; that the Company requests waiver of the publication requirements set forth in A.A.C.
2 R14-2-1107; that Main Street did not collect deposits or advance payments from customers in
3 Arizona; and that Mr. Patrick D. Crocker is authorized by the Company to file the application.

4 4. On June 5, 2015, Staff filed a Memorandum in response to Main Street's application
5 to cancel its CC&N, stating that no complaints have been filed against Main Street from January 1,
6 2009 through April 10, 2015; the Commission's Corporations Division reports that Main Street's
7 registration was revoked for its failure to file an Annual Report in 2011; that the Company no longer
8 provides resold long distance in Arizona; and that the Company never collected deposits, advances or
9 prepayments from Arizona customers. Staff recommends approval of the Company's application to
10 cancel its CC&N; waiver of publication requirements set forth in A.A.C. R14-2-1107; and that upon
11 cancellation of Main Street's CC&N, the Company will no longer be subject to the requirements set
12 forth in Decision No. 63907.

13 5. A.A.C. R14-2-1107 requires a telecommunications company providing competitive
14 telecommunication service in Arizona to file an application for authorization with the Commission
15 before it discontinues service. The rule also requires the telecommunications company to verify that
16 its affected customers have been notified of the proposed discontinuance of service, to plan for the
17 refund of any deposits collected, to file with the Commission a list of alternate utilities providing the
18 same or similar service within the affected geographic area, and to publish legal notice of the
19 application to discontinue service in all counties affected by the application. In Decision No. 67404
20 (November 2, 2004) the Commission stated that it would render A.A.C. R14-2-1107 meaningless and
21 would run afoul of the rule's intent and plain language to exempt an Applicant from the requirements
22 of the rule simply because it is no longer providing service in Arizona. Further, Decision No. 67404
23 states that the rule is intended to ensure that existing customers receive advance notice of a
24 telecommunication provider's pending plan to discontinue service so that they may have the
25 opportunity to procure service through an alternate provider before discontinuing service. Here, Main
26 Street has requested waiver of the publication of legal notice requirements set forth in A.A.C. R14-2-
27 1107(B). Staff has confirmed that the Company discontinued its service in Arizona in 2011; has no
28 remaining customers in Arizona; and did not collect prepayment, advances or deposits from Arizona

1 customers. Due to the passage of time since the Company discontinued its telecommunication service
2 in Arizona, legal notice of the application would serve no practical purpose as all of Main Street's
3 customers would have switched previously to alternate providers.

4 6. Staff's recommendations are reasonable and should be adopted.

5 **CONCLUSIONS OF LAW**

6 1. Main Street Telephone Company is a public service corporation within the meaning of
7 Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

8 2. The Commission has jurisdiction over Main Street Telephone Company and the
9 subject matter of the application.

10 3. The cancellation of Main Street Telephone Company's CC&N to provide competitive
11 resold interexchange telecommunication services in Arizona is in the public interest.

12 4. Main Street Telephone Company should be granted a waiver of the requirements set
13 forth in A.A.C. R14-2-1107(B).

14 5. Staff's recommendations are reasonable and should be adopted.

15 **ORDER**

16 IT IS THEREFORE ORDERED that Main Street Telephone Company's application for
17 approval to cancel its Certificate of Convenience and Necessity to provide competitive resold
18 interexchange telecommunication services in Arizona, is hereby approved.

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1 IT IS FURTHER ORDERED that Main Street Telephone Company is hereby granted a
2 waiver of the notice requirements set forth in A.A.C. R14-2-1107(B).

3 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

5
6
7 CHAIRMAN

COMMISSIONER

8
9 COMMISSIONER

COMMISSIONER

COMMISSIONER

10
11 IN WITNESS WHEREOF, I, JODI JERICH, Executive
12 Director of the Arizona Corporation Commission, have
13 hereunto set my hand and caused the official seal of the
14 Commission to be affixed at the Capitol, in the City of Phoenix,
15 this _____ day of _____ 2015.

16 JODI JERICH
EXECUTIVE DIRECTOR

17 DISSENT _____

18
19 DISSENT _____
20 YK:tv(ru)

1 SERVICE LIST FOR: MAIN STREET TELEPHONE COMPANY

2 DOCKET NO.: T-03613A-11-0465

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